

REMARKS

Claims 1-25 are pending in this application. By this Amendment, claims 1 and 6 are amended and claims 17-25 are added. Support for new claims can be found at least on page 24 and 25 of the specification. No new matter is added.

I. Allowable Subject Matter

Applicants thank the Examiner for the indication that claims 7-15 are allowed. However, for the reasons discussed below, Applicants submit that all claims are allowable.

II. The Claims Define Patentable Subject Matter**A. Rejection Under 35 U.S.C. §102**

The Office Action rejects claims 1-6 and 16 under 35 U.S.C. §102(b) over U.S. Patent No. 6,654,095 B1 to Nishi. This rejection is respectfully traversed.

Nishi does not teach "a detector, ... and a control device, which halts or reverses movement of said substrate stage in a direction substantially perpendicular to the direction of the optical axis of said projection optical system based on the result of detection by said detector," as recited in independent claim 1 (emphasis added).

Nishi merely discloses a controller that controls a sampling mount 138 in the Z direction i.e., the direction of the optical axis AX, based on an output of a focus sensor AF (see col. 24, lines 33-36 and col. 16, lines 2-4). Moreover, the focus sensor AF only detects the position of the sampling mount 138 in the Z direction (see col. 24, lines 41-45). Nishi does not disclose that the output of the focus sensor AF is used by the main controller 80 to move the sampling mount 138 in a direction perpendicular to the optical axis AX. Thus, Nishi does not disclose the claimed "detector, ... and a control device, which halts or reverses movement of said substrate stage in a direction substantially perpendicular to the direction of the optical axis of said optical projection system based on the result of the detection by said detector," as recited in claim 1 (emphasis added).

As Nishi does not teach or suggest each and every feature of claim 1, withdrawal of the rejection is respectfully requested. Furthermore, withdrawal of the rejection of claims 2-6 and 16, which depend from claim 1, is respectfully requested at least based on their dependence on an allowable base claim, as well as for the additional features they recite.

B. New Claims

New claims 17-25 also define patentable subject matter. For example, Nishi does not disclose an exposure apparatus having "an opposing member positioned apart from said object in a direction of the optical axis of said projection optical system, and being movable relative to said projection optical system in said optical axis direction," as recited in claim 17.

For at least this reason, it is respectfully submitted that claim 17 and claims 18-25 depending therefrom, define patentable subject matter.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-25 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Petition for Extension of Time
Amendment Transmittal

Date: September 2, 2008

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